

IN THE UNITED STATES DISTRICT COURT

FOR THE NORTHERN DISTRICT OF CALIFORNIA

VALLAVISTA CORPORATION, a
California corporation,

Plaintiff,

v.

AMAZON.COM, INC., a Delaware
corporation, TARGET CORPORATION, a
Minnesota corporation, *et al.*,

Defendants.

No. C 07-05360 WHA

No. C 10-00120 JW

**ORDER DECLINING TO
RELATE CASES**

VALLAVISTA CORPORATION, a
California corporation,

Plaintiff,

v.

VERA BRADLEY DESIGNS, INC., an
Indiana corporation, DIZENGOFF
HANDBAGS, INC., a New York
corporation, and TONY PEROTTI ITALY
(USA) LLC,

Defendants.

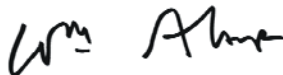
Under Civil Local Rule 3-12, actions are related when two requirements are met: (1) the actions concern substantially the same parties, property, transaction, or event, and (2) it appears likely that there will be an unduly burdensome duplication of labor and expense or conflicting results if the cases are conducted before different judges.

1 Here, it is obvious that the plaintiff is identical in both actions. Also true is the fact that
2 the protected mark — the “TAXI WALLET” trademark — asserted in the new action was also
3 asserted in the earlier litigation. Beyond these similarities, however, the disputes are hardly
4 related under the Civil Local Rules. *First*, the accused defendants and products in the new action
5 are different. In a trademark infringement dispute, even minor differences between accused
6 products can sway the merits of an infringement claim. *Second*, the earlier action has long since
7 been dismissed pursuant to stipulation. As such, there is no risk of any duplication of labor. All
8 the work in the new case will have to be done, and different witnesses, products, and defendants
9 are now being targeted by plaintiff Vallavista Corporation.

10 In sum, while the trademark at issue may be the same, that alone does not render these
11 cases related under Civil Local Rule 3-12(a). For the reasons explained above, the administrative
12 motion to relate these cases is **DENIED**.

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14 **IT IS SO ORDERED.**

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16 Dated: April 12, 2010.

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19 WILLIAM ALSUP
20 UNITED STATES DISTRICT JUDGE
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